

REMARKS/ARGUMENTS

The Official Action rejects all of the computer program product claims, namely Claims 19-24, under 35 U.S.C. § 101 for being directed to non-statutory subject matter. More particularly, the Official Action alleges that Claims 19-24 merely claim a data structure without an accompanying computer-readable media embodying the data structure. We note, however, that independent Claim 19, and by dependency Claims 20-24, clearly recite “[a] computer program product comprising a computer-readable storage medium having computer-readable program code portions stored therein, the computer-readable program code portions” including a number of recited executable portions. Applicants therefore respectfully traverse the § 101 rejection of Claim 19-24, and submit that in fact those claims are directed to statutory subject matter. And in view of the above, Applicants respectfully submit that the rejection of Claims 19-24 as being directed to non-statutory subject matter is overcome.

In addition to the foregoing, the Official Action rejects all of the pending claims, namely Claims 1-24, under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,450,482 to Chen et al. As explained below, however, Applicants respectfully submit that the claimed invention is patentably distinct from Chen, and accordingly also traverse this rejection of the claims. Nonetheless, to advance prosecution of the present application, Applicants have amended various ones of the claims to further highlight aspects of the present invention. In view of the amendments to the claims and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

Briefly, Chen discloses a network automatic call distribution system (ACD) for a network including a number of switches interconnecting a number of telephones and operator stations. As disclosed, when one switch in the network has blocked resources, the ACD uses information stored in that switch to insure that the calls it distributes are routed to another switch that has available resources. When a call for a specified service is received at a switch, the switch first checks to determine whether it can handle the call. If the switch cannot handle the call, then the switch checks stored status tables to determine another switch in the network that can handle the call. The call is then delivered to the determined switch. In this regard, the stored status tables

include a list of switches within the network including an associated availability status for each of a number of services (such a directory assistance, toll assistance, credit card, etc.), and an availability status of a trunk connecting the switch and the other switches in the network. The two statuses are logically “ANDed” together to derive the availability status. Each switch sends an updated status to the other switches via a signaling network whenever a service changes status (e.g., no available operators).

A. Claims 1-6 are Patentable

According to a first aspect of the present invention, as reflected by amended independent Claim 1, a system is provided for controlling a flow of content. The system includes a terminal and a network entity. The terminal is configured to send a content status including terminal status information. The network entity (e.g., content flow server, origin server, digital broadcast receiver, etc.) includes a processor configured to receive the terminal status information. Then, based upon the terminal status information and server status information regarding a source of content, the processor is configured to control the flow of content to the terminal. In this regard, the server status information includes a listing of one or more pieces of content available from the source. And as further recited, the piece(s) of content available from the source, and the content for which the processor is configured to control the flow, comprise multimedia content consumable by a user of the terminal.

In contrast to amended independent Claim 1, Chen does not teach or suggest a network entity controlling the flow of content to a terminal based on terminal status information, as well as server status information for a source of content, the server status information including a listing of one or more pieces of content available from the source. The Official Action cites column 1, lines 50-55 of Chen for allegedly disclosing this feature of the claimed invention. In this regard, the cited passage of Chen explains that switches store status tables including “a list of switches within the network wherein an availability status is associated with each service (such a [sic] directory assistance, toll assistance, credit card, etc.), and an availability status of a trunk connecting the switch and the other switches in the network.” Thus, instead of disclosing a server status including a listing of content available from the source, similar to the claimed

invention, Chen discloses switch status including a listing of switches and services available from those switches.

Applicants therefore respectfully submit that amended independent Claim 1, and by dependency Claims 2-6, is patentably distinct from Chen. And for at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1-6 as being anticipated by Chen is overcome.

B. Claims 7-23

According to a second aspect of the present invention, as reflected by amended independent Claim 7, a terminal is provided that includes memory and a controller. As recited, the memory is configured to store one or more pieces of content. The controller is configured to send a content status including terminal status information having a listing of one or more pieces of content stored in the memory. In addition, the controller is configured to send the content request such that a network entity receives the terminal status inquiry and controls a flow of content to the terminal based upon the terminal status information. And as further recited, the piece(s) of content available from the source, and the content for which the processor is configured to control the flow, comprise multimedia content consumable by a user of the terminal.

In contrast to amended independent Claim 7, Chen does not teach or suggest a terminal including controller sending a listing of content stored in memory of the terminal, and sending a content request for a network entity to control the flow of content to the terminal based on the listing. For these features of independent Claim 7, the Official Action cites column 5, lines 4-11. Similar to column 1, lines 50-55 of Chen, column 5, lines 4-11 of Chen disclose operator availability tables from which a switch may know the availability of services of other switches in the network. Again, then, instead of disclosing a terminal status including a listing of content stored in memory of the terminal, similar to the claimed invention, Chen discloses switch status including a listing of switches and services available from those switches.

Applicants therefore respectfully submit that amended independent Claim 7, and by dependency Claims 8-12, is patentably distinct from Chen. Applicants also respectfully submit

that amended independent Claims 13 and 19 recite subject matter similar to that of amended independent Claim 7, including the aforementioned flow control feature. As such, Applicants also respectfully submit that amended independent Claims 13 and 19, and by dependency Claims 14-18 and 20-23, are patentably distinct from Chen for at least the same reasons given above with respect to amended independent Claim 7.

For at least the foregoing reasons, Applicant respectfully submits that the rejection of Claims 7-23 as being anticipated by Chen is overcome.

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Reply to Official Action of March 22, 2007

CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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